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French Treaties, etc., 1715-1774 (Louis XV)

PRELIMINARY CONVENTION BETWEEN THE  
KINGS OF FRANCE AND SPAIN, for the  
CESSION OF LOUISIANA TO THE LATTER.

Fontainebleau, 1762.

[Photostat copy from 24th Congress, 2d sess. Senate  
doc.no. 49, Jan.4, 1837, p.3-5]  
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*Preliminary Convention between the Kings of France and Spain, for  
the cession of Louisiana to the latter.*

Translated from a certified copy of the original in the French language, deposited in the archives of the Department of State at Madrid.

The most Christian King being firmly resolved to strengthen and perpetuate the bonds of tender amity which unite him to his cousin the Catholic King, proposes in consequence to act with his Catholic Majesty at all times and in all circumstances, in a perfect uniformity of principles, for the common glory of their house and the reciprocal interests of their kingdoms.

With this view, his most Christian Majesty, being fully sensible of the sacrifices made by the Catholic King, in generously uniting with him for the restoration of peace, desires, on this occasion, to give him a proof of the strong interest which he takes in satisfying him and affording advantages to his crown.

The most Christian King has accordingly authorized his minister, the Duke de Choiseul, to deliver to the Marquis de Grimaldi, the ambassador of the Catholic King, in the most authentic form, an act, whereby his most Christian Majesty cedes in entire possession, purely and simply, without exception, to his Catholic Majesty and his successors, in perpetuity, all the country known under the name of Louisiana, as well as New Orleans and the island in which that place stands.

But as the Marquis de Grimaldi is not informed with sufficient precision of the intentions of his Catholic Majesty, he has thought proper only to accept the said cession conditionally, and *sub spe rati*, [*under expectation that it will be ratified,*] until he receives the orders expected by him from the King his master, which, if conformable with the desires of his most Christian Majesty, as he hopes they will be, will be followed by the authentic act of cession of the said country; stipulating also the measures and the time, to be fixed by common accord, for the evacuation of Louisiana and New Orleans, by the subjects of his most Christian Majesty, and for the possession of the same by those of his Catholic Majesty.

In testimony whereof, we, the respective ministers, have signed the present preliminary convention, and have affixed to it the seals of our arms.

Done at Fontainebleau, on the third of November, one thousand seven hundred and sixty-two.

The DUKE DE CHOISEUL,  
The MARQUIS DE GRIMALDI.

A true copy from the original.

The DUKE DE CHOISEUL.

To the copy from which the above translation was made, are appended the certificates of Don Ceferino Cevallos, archivist of the Department of State of Spain, to its exact conformity with the original; and of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, of its having been received by



him from the first Secretary of State of Spain, and delivered to the honorable J. M. White, of Florida.

The translation was faithfully made by Robert Greenhow, translator of foreign languages to the Department of State of the United States.

Washington, March 24, 1836.

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D.

*Definitive act of cession of Louisiana by the King of France to the King of Spain.*

Translated by Robert Greenhow, translator of foreign languages to the Department of State, from an authentic copy of the original in the Department of State of Spain, to which copy are appended the certificate of Don Ceferino Cevallos, archivist of the Department of State of Spain, that it is a true copy from the original, and the certificate of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, that it was received by him officially from the first Secretary of State of Spain, and delivered to the Hon. J. M. White, of Florida.

Louis, by the grace of God, King of France and Navarre, to all to whom these presents shall come, greeting: Whereas our very dear and well-beloved cousin the Duke de Choiseul, peer of our realm, knight of our orders and of the golden fleece, lieutenant general of our armies, governor of Touraine, colonel general of the Swiss and Grisons, grandmaster and superintendent general of the posts and relays of France, our minister and secretary of state for the departments of war and marine and the correspondence with the courts of Madrid and Lisbon, did sign, in our name, with the Marquis de Grimaldi, knight of our orders, gentleman of the chamber, in exercise of our very dear and well-beloved brother and cousin the Catholic King, and his ambassador extraordinary near us, a preliminary convention, whereby, in order to give to our said brother and cousin a new testimonial of our tender friendship, of the strong interest which we take in satisfying him and promoting the welfare of his crown, and of our sincere desire to strengthen and render indissoluble the bonds which unite the French and Spanish nations, we ceded to him entire and perpetual possession of all the country known under the name of Louisiana, together with New Orleans and the island in which that city stands, which convention had only been signed conditionally and *sub spe rati* by the Marquis de Grimaldi: and whereas our said brother and cousin the Catholic King, animated by the same sentiments towards us which we have evinced on this occasion, has agreed to the said cession, and ratified the conditional acceptance made by his said ambassador extraordinary, which convention and ratification are here inserted word for word as follows:

Don Carlos, by the grace of God, King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algesiras, of Gibraltar, of the Canary islands, of the East and West Indies and the islands and main land of the ocean, archduke of Austria, duke of Burgundy, of Brabant and Milan, count of Hapsburg, of Flanders, of Tyrol, and of Barcelona, lord of Biscay and of Molina, &c.





Whereas, on the third day of the present month, the preliminaries of a peace were signed between the crowns of Spain and France on the one part, and those of England and Portugal on the other, and the most Christian King my very dear and well-beloved cousin, purely from the nobleness of his heart, and the love and friendship in which we live, thought proper to dispose that the Marquis de Grimaldi, my ambassador extraordinary near his royal person, and the Duke de Choiseul, his minister of state, should on the same day sign a convention by which the crown of France ceded immediately to that of Spain the country known by the name of Louisiana, together with New Orleans and the island in which that city stands, and by which my said ambassador agrees to the cession only conditionally *sub spe rati*, as he is not furnished with orders to execute it absolutely; the tenor of which convention is the following:

The most Christian King, being firmly resolved to strengthen and perpetuate the bonds of tender amity which unite him to his cousin the Catholic King, proposes in consequence to act with his Catholic Majesty at all times and in all circumstances, in a perfect uniformity of principle, for the common glory of their house and the reciprocal interests of their kingdoms.

With this view, his most Christian Majesty being fully sensible of the sacrifices made by the Catholic King in generously uniting with him for the restoration of peace, desires, on this occasion, to give him a proof of the strong interest which he takes in satisfying him and affording advantages to his crown.

The most Christian King has accordingly authorized his minister, the Duke de Choiseul, to deliver to the Marquis de Grimaldi, the ambassador of the Catholic King, in the most authentic form, an act whereby his most Christian Majesty cedes in entire possession, purely and simply, without exception, to his Catholic Majesty and his successors, in perpetuity, all the country known under the name of Louisiana, as well as New Orleans and the island in which that place stands.

But, as the Marquis de Grimaldi is not informed with sufficient precision of the intentions of his Catholic Majesty, he has thought proper only to accept the said cession conditionally and *sub spe rati*, until he receives the orders expected by him from the king his master, which, if conformable with the desires of his most Christian Majesty, as he hopes they will be, will be followed by the authentic act of cession of the said country, stipulating also the measures and the time, to be fixed by common accord, for the evacuation of Louisiana and New Orleans by the subjects of his most Christian Majesty, and for the possession of the same by those of his Catholic Majesty.

In testimony whereof, we, the respective ministers, have signed the present preliminary convention, and have affixed to it the seals of our arms.

Done at Fontainebleau on the third of November, one thousand seven hundred and sixty-two.

THE DUKE DE CHOISEUL,  
THE MARQUIS DE GRIMALDI.

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